



STATE OF DELAWARE BODY ART ESTABLISHMENT PROGRAM

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Community Environmental Health Services
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Authority to Regulate

- 16 Del. C. § 122 (3)(w) gives authority to the Secretary of Delaware Health and Social Services (DHSS) to adopt Regulations
- Community Environmental Health Services (CEHS) of Health Systems Protection Section (HSP) is delegated the authority to regulate Body Art Establishments
- The Regulations provide a system of permitting and inspection of body art establishments and procedures for enforcement



Why do we regulate Body Art Establishments?

- Establishes standards in the practice of body art
- Protects the public health



What is Body Art?

- Body Art includes the practice of body piercing, branding, and tattooing
 - **Body Piercing** means the perforation of human tissue excluding the ear for a non-medical purpose
 - **Branding** means a permanent mark on human tissue by burning with a hot iron or other instrument
 - **Tattooing** means
 - An indelible mark made upon the body of another person by the insertion of a pigment under the skin
 - An indelible design made upon the body of another person by production of scars other than by branding



What do the Regulations do?

- Establishes
 - Pre-Operational Requirements
 - Compliance Procedures
 - Operational Requirements
 - Client and Record Retention

State of Delaware Regulations Governing Body Art Establishments



Operational Requirements

- Premises Requirements
 - Walls, floors and procedure surfaces
 - Vector control
 - Procedure area and privacy
 - Ventilation
 - No animals, except service animals
 - Hand sinks
 - Waste receptacles
 - Instrument and supply storage

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Operational Requirements

- Permit Holder

- Ability to demonstrate knowledge concerning

- Skin disease, disorders, and conditions (including diabetes)
 - Universal Precautions
 - Facility safety and sanitation
 - Infectious disease control which includes:
 - Waste disposal
 - Hand washing techniques
 - Sterilization equipment operation and methods
 - Sterilization methods and techniques
 - Sanitization
 - Disinfection



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Operational Requirements

- Professional Standards
 - Procedures shall only be conducted in a permitted establishment
 - Operator / Technician minimum of 18 years old
 - No smoking, eating or drinking in body art procedure area
 - No one can perform or receive a procedure if they are under the influence of alcohol or a controlled substance



Operational Requirements

- Professional Standards
 - Comply with Universal Precautions
 - Maintain a high degree of personal cleanliness
 - Use of disposable gloves
 - Use of Sharps containers
 - Skin to receive a procedure shall be free of rash or any visible infection

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Operational Requirements

- Professional Standards
 - Skin of operator / technician shall be free of rash or infection
 - Proof that Permit Holder has offered to all operators / technicians the Hepatitis B vaccination series.

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Operational Requirements

- Sanitation and Sterilization Procedures
 - Use of ultrasonic units to clean non-single use and non-disposable instruments
 - Use of peel-packs for sterilization
 - Use of steam autoclave
 - Documentation of monthly spore destruction tests
 - Record retention for a period of three (3) years
 - Storage of cleaned and sterilized instruments
 - Inks, dyes, pigments, needles and equipment shall be specifically manufactured for performing body art procedures

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Operational Requirements

- Single Use Items
 - Shall not be used on more than one client for any reason including stencils

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Client Records and Retention

- Aftercare
 - Verbal and written instructions for the aftercare of the body art procedure site shall be provided to each client by the operator upon completion of the procedure
 - The written instructions shall advise the client to consult the operator at the first sign of infection or swelling and contain:
 - The name
 - Address
 - Phone number

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Client Records and Retention

- Consent Forms
 - In order for the establishment / owner to properly evaluate the client's medical condition for receiving a body art procedure and not violate the client's rights or confidential medical information, the operator / technician shall obtain the following from the client



Client Records and Retention

- Consent Forms (cont.)

In order for proper healing of your body art procedure, we ask that you disclose if you have or have had any of the following conditions:

- Diabetes
- History of hemophilia (bleeding)
- History of skin diseases, skin lesions or skin sensitivities to soaps, disinfectants
- History of allergies or adverse reactions to pigments, dyes or other skin sensitivities
- History of epilepsy, seizures, fainting or narcolepsy
- Taking medications such as anticoagulants which thin the blood and / or interferes with blood clotting

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Client Records and Retention

- Release Form
 - The operator / technician shall require that the client sign a Release Form confirming that the above information was obtained or attempted to be obtained
 - The client should be asked to disclose any other information that would aid the operator / technician in the client's body art healing process evaluation



Client Records and Retention

- Record Retention

- The body art establishment shall keep a record of all persons who have had body art procedures performed
- The record shall include the name, date of birth, and address of the client; the date of the procedure; name of operator who performed the procedure(s); type and location of procedure performed; signature of client and if the client is a minor, proof of parental or guardian presence and consent, i.e. signature

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Client Records and Retention

- Record Retention
 - All client records shall be confidential and be retained for a minimum of three (3) years and made available to the Division upon notification
 - The Division and the body art establishment shall keep such records confidential

State of Delaware Regulations Governing Body Art Establishments



We can only be successful if:

Public Health

Body Art Operators and Techs

The People that get Body Art

WORK TOGETHER



Contact Information

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